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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Application Number 10/763,798

Filing Date January 23, 2004

First Named Inventor Joshua William Johnson

Art Unit 3643

Examiner Name

Total Number of Pages in This Submission

10

Attorney Docket Number S1011/20171

ENCLOSURES (Check all that apply)☐ Fee Transmittal Form (In duplicate)☐ Fee Attached☐ Amendment/Reply☐ After Final☐ Affidavits/declaration(s)☐ Extension of Time Request☐ Express Abandonment Request☐ Information Disclosure Statement☒ Certified Copy of Priority Document(s)☐ Response to Missing Parts/
Incomplete Application☐ Response to Missing Parts
under 37 CFR 1.52 or 1.53☐ Assignment and Cover Sheet☐ Drawing(s)☐ Licensing-related Papers☐ Petition☐ Petition to Convert to a
Provisional Application☐ Power of Attorney, Revocation☐ Change of Correspondence Address☐ Terminal Disclaimer☐ Request for Refund☐ CD, Number of CD(s) _____

Remarks

☐ After Allowance communication
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☐ Appeal Communication to TC
(Appeal Notice, Brief, Reply Brief)☐ Proprietary Information☐ Status Letter☒ Other Enclosure(s) (please
Identify below):Return Receipt Postcard, certified copy
of British Patent Application No.
0321673.6**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**Firm
or
Individual name

Barry A. Stein, Esq.

Signature

Date

May 4, 2004

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S1011/20171

PATENT

Customer No. 03000

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
PATENT EXAMINING OPERATION**

Applicant : Joshua William Johnson
Application No. : 10/763,798
Confirmation No. : 7933
Filed : January 23, 2004
Invention : ORNAMENTS
Group Art Unit : 3643
Examiner :

TRANSMITTAL OF CERTIFIED DOCUMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

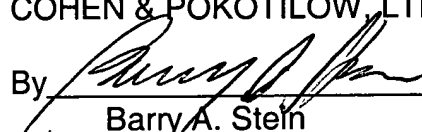
I enclose herewith a certified copy of British Patent Application No. 0321673.6 of September 16, 2003, from which priority is claimed for the above-identified application.

Respectfully submitted,

CAESAR, RIVISE, BERNSTEIN,
COHEN & POKOTILOW, LTD.

May 4, 2004

By


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INVESTOR IN PEOPLE

The Patent Office
Concept House
Cardiff Road
Newport
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NP10 8QQ

I, the undersigned, being an officer duly authorised in accordance with Section 74(1) and (4) of the Deregulation & Contracting Out Act 1994, to sign and issue certificates on behalf of the Comptroller-General, hereby certify that annexed hereto is a true copy of the documents as originally filed in connection with the patent application identified therein.

In accordance with the Patents (Companies Re-registration) Rules 1982, if a company named in this certificate and any accompanying documents has re-registered under the Companies Act 1980 with the same name as that with which it was registered immediately before re-registration save for the substitution as, or inclusion as, the last part of the name of the words "public limited company" or their equivalents in Welsh, references to the name of the company in this certificate and any accompanying documents shall be treated as references to the name with which it is so re-registered.

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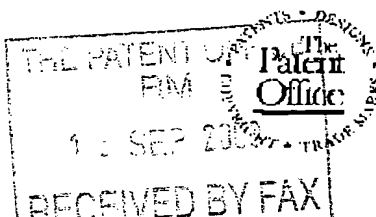
Signed

Dated 10 February 2004

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Patents Form 1/77

Patents Act 1977
(Rule 16)



18SEP03 EB37674-1 002820
P01/7700 0.00-0321673.6

Request for grant of a patent

(See the notes on the back of this form. You can also get an explanatory leaflet from the Patent Office to help you fill in this form.)

The Patent Office

Cardiff Road
Newport
South Wales
NP10 8QQ

1. Your reference

P04083GB

2. Patent application number

(The Patent Office will fill this part in)

0321673.6

116 SEP 2003

3. Full name, address and postcode of the or of each applicant (underline all surnames)

THE POTTING SHED POTTERY LIMITED

Patents ADP number (if you know it)

Brook House
Moss Grove
Kingswinford DY6 9HS
United Kingdom

If the applicant is a corporate body, give the country/state of its incorporation

8714743001

GB

4. Title of the invention

ORNAMENT

5. Name of your agent (if you have one)

"Address for service" in the United Kingdom to which all correspondence should be sent (including the postcode)

LAURENCE SHAW & ASSOCIATES
10th Floor, Metropolitan House
1 Hagley Road, Edgbaston
Birmingham B16 8TG

Patents ADP number (if you know it)

13623001

13623002

6. Priority: Complete this section if you are declaring priority from one or more earlier patent applications, filed in the last 12 months.

Country

Priority application number
(if you know it)

Date of filing
(day / month / year)

7. Divisionals, etc: Complete this section only if this application is a divisional application or resulted from an entitlement dispute (see note D)

Number of earlier UK application

Date of filing
(day / month / year)

8. Is a Patents Form 7/77 (Statement of inventorship and of right to grant of a patent) required in support of this request?

Answer YES if:

- a) any applicant named in part 3 is not an inventor, or
- b) there is an inventor who is not named as an applicant, or
- c) any named applicant is a corporate body

Otherwise answer NO (See note d)

Yes

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Patents Form 1/77

9. Accompanying documents: A patent application must include a description of the invention. Not counting duplicates, please enter the number of pages of each item accompanying this form:

Continuation sheets of this form

8

Description

0

Claim(s)

0

Abstract

2

Drawing(s)

only 1/77

10. If you are also filing any of the following, state how many against each item.

Priority documents

Translations of priority documents

Statement of inventorship and right to grant of a patent (Patents Form 7/77)

Request for a preliminary examination and search (Patents Form 9/77)

Request for a substantive examination (Patents Form 10/77)

Any other documents (please specify)

11. I/We request the grant of a patent on the basis of this application.

Signature(s)

Laurence Shaw & Associates

Date 6 September 2002

LAURENCE SHAW & ASSOCIATES

12. Name, daytime telephone number and e-mail address, if any, of person to contact in the United Kingdom

Dr. Christopher Moore

0121 454 4962

Warning

After an application for a patent has been filed, the Comptroller of the Patent Office will consider whether publication or communication of the invention should be prohibited or restricted under Section 22 of the Patents Act 1977. You will be informed if it is necessary to prohibit or restrict your invention in this way. Furthermore, if you live in the United Kingdom, Section 23 of the Patents Act 1977 stops you from applying for a patent abroad without first getting written permission from the Patent Office unless an application has been filed at least 6 weeks beforehand in the United Kingdom for a patent for the same invention and either no direction prohibiting publication or communication has been given, or any such direction has been revoked.

Notes

- If you need help to fill in this form or you have any questions, please contact the Patent Office on 08459 500505.
- Write your answers in capital letters using black ink or you may type them.
- If there is not enough space for all the relevant details on any part of this form, please continue on a separate sheet of paper and write "see continuation sheet" in the relevant part(s). Any continuation sheet should be attached to this form.
- If you have answered YES in part 8, a Patents Form 7/77 will need to be filed.
- Once you have filled in the form you must remember to sign and date it.
- Part 7 should only be completed when a divisional application is being made under section 15(4), or when an application is being made under section 8(3), 12(6) or 37(4) following an entitlement dispute. By completing part 7 you are requesting that this application takes the same filing date as an earlier UK application. If you want the new application to have the same priority date(s) as the earlier UK application, you should also complete part 6 with the priority details.

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Patents Form 1/77

DUPLICATE

Agent's Ref: P040830B

ORNAMENT

This invention relates to an ornament which can be placed indoors or is suitable
5 for use in, say, a garden or other outdoor location.

Many ornaments are known which can be located in a garden. Gnomes are one
common ornament type, although other creatures such as fairies and animals are also
known. Ornaments which are to be located outdoors need to be resistant to
10 environmental conditions such as rain, frost, sun. Consequently, they are usually
fabricated from pottery which is fired at sufficient temperatures to render it non-porous
and/or they are glazed with non-porous glazes. Other materials such as plastics or
metal may be used.

15 Ornaments based on plants are known. For example, see our US Design Patent
No. 476254 (published 24 June 2003) which shows a bell (nominally in the shape of a
toadstool or mushroom) sitting atop a curved stalk (Figure 1). The curved stalk has a
point at its upper end on which the bell is supported, the bell thereby being free to pivot
on, or rotate about the stalk, in the wind. When a plurality of such ornaments are placed
20 in close proximity, the wind can causes the bell of one to ring on the bells or stalks of
adjacent ornaments, thereby causing a chime effect. With such ornaments the bells
may be fabricated from pottery to enhance the chiming or ringing effect.

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Certain problems have been discovered in relation to our prior art ornaments. Firstly, the movement of the bell on the stalk is not very 'life-like' because the bell is supported on a spike. Secondly, in high winds the bell can be blown off of the stalk. Also, the stalk cannot stand upright on a flat surface.

5

Other problems which may be experienced with our prior art ornament include, it the force required to embed the pointed end of the stalk into the ground if the soil or substrate into which it is to be forced is not sufficiently moist (a pottery point is not very pointed). Fourthly, in larger versions it can be difficult for some (the physically impaired for example) to manipulate the stalk and force it into the ground, irrespective of the substrate conditions.

10

It is an object of this invention to provide a new ornament which has a more realistic action than those previously proposed. It is a further object to provide an ornament which avoids one or all of the above-discussed problems which may be associated with prior art ornaments.

15

Accordingly, a first aspect of the invention provides an ornament in the shape of a toadstool or mushroom having a bell and a stalk interconnected by flexible connection means which, in use, renders the bell moveable with respect to the stalk.

20

A further, and more specific aspect of the invention, provides an ornament in the shape of a toadstool or mushroom having a bell and a stalk interconnected by flexible connection means which, in use, renders the bell capable of restricted vertical movement with respect to the stalk.

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Preferably said flexible connection means is a spring, preferably formed from metal, advantageously stainless steel or other corrosion resistant metal. Said flexible connection means may alternatively comprise a hollow or solid plastics or rubber tube.

5 In either or all cases, said flexible connection means is elongate with one end thereof connected to the stalk and the other end connected to the bell.

Preferably the stalk carries a connection part at a proximal end for attachment thereto of said flexible connection means. The stalk connection part may be tapered

10 and/or may comprise a screw thread.

Preferably, the underside of the bell, at or about the apex thereof carries a connection part for attachment thereto of said flexible connection means. The bell connection part may be tapered and/or may comprise a screw thread.

15

Preferably, the stalk is hollow. It may have a socket at a distal end thereof.

The distal end of the stalk may have an outwardly flared portion to provide a relatively wide base.

20

The ornament may further comprise a spike, one end of which is receivable in said socket and the other end of which defines a substrate-penetrating point which is forceable into the ground or other substrate on which the ornament is to be located.

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Preferably the bell and the stalk are made of pottery, fired to be non-porous. One or both of the bell and the stalk may be fabricated from other materials, such as metal, plastics or wood.

5 Preferably, the bell and/or the stalk are cast and then fired.

The bell and/or the stalk may be glazed with weather resistant glaze.

A further aspect of the invention provides a method of manufacturing a
10 mushroom or toadstool-shaped garden ornament, the method comprising casting one or both of a bell and a stalk and interconnecting the bell and the stalk with flexible connection means such that the bell is moveable with respect to the stalk.

A further aspect of the invention provides a kit of parts for a garden ornament,
15 the kit comprising one or more bells, one or more stalks and one or more flexible connection means, a bell and stalk being inter-connectable by said resilient means.

A yet further aspect of the invention provides a stalk in the shape of, or
reminiscent of, a stalk of mushroom or toadstool connectable at its one end to a bell,
20 the other end terminating in a flat base portion having a socket to receive a spigot of a spike, the base portion being of wider diameter than the remainder of the stalk.

Preferably, the ornament is suitably weather resistant for use in the garden or other outdoors location.

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In order that the invention may be more fully understood, it will now be described, by way of example only and with reference to the accompanying drawings, in which:

5 Figure 1 is a prior art ornament;

Figure 2 is a vertical section through an ornament of the invention, received in soil.

Figure 1 shows an ornament 100 for a garden comprising a pottery bell 101 sitting atop a curved pottery stalk 102. Both ends of the stalk 102 are formed with points 103 (only one shown). The bell 101 has a dimple on the underside of its apex in which the upper point of the stalk 102 is located. The lower point 103 is forceable into a substrate, say earth or soil.

15 In use, the bell 101 is pivotable and rotateable on the upper point 103 of the stalk 102.

In use, and when installed in a garden, wind can cause the bell 101 to rock on the stalk 102. If the bell 101 contacts a bell or stalk of an adjacent ornament 100 it produces a ringing sound, like a wind chime.

20 Figure 2 shows an ornament 10 having a bell 1 and a hollow curved stalk 2 having intended upper 2a and lower 2b ends.

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The bell 1 is provided with a tapered screw portion 4, located on the underside of the apex of the bell 1. The stalk 2 carries a tapered screw portion 5 at its upper end 2a. A ledge or shoulder 6 is present between the tapered screw portion 4 and the upper end 2a of the stalk 2.

5

A metal coiled spring 7 is wound around each of the tapered screw portions 4, 5, to interconnect the bell 1 to the stalk 2.

The lower end 2b of the stalk 2 has a socket 8 in which is removeably located a spigot 12 of spike member 11, the other end of the spike member 11 terminating in a ground-penetrating point 13.

To fabricate the ornament 10, the bell 1 and stalk 2 are cast from a ceramic slip as is well known. The tapered screw portions 4, 5 are separately cast from a ceramic slip. These are then left to dry to a 'green condition'. Once the parts 1, 2, 4, 5 have dried sufficiently to be handleable, the bell screw portion 4 is attached to the bell 1 and the stalk screw portion 5 is attached to the ledge or shoulder 6 at the upper end 2a of the stalk 2 using further slip as an adhesive. The bell 1 and stalk 2 are then fired at 1180 to 1200 °C to ensure that the pottery is non-porous. The bell 1 and/or the stalk 2 are glazed and re-fired.

The ornament 10 will usually be supplied as a kit made up of bell 1, stalk 2, spring 7 and plastics spike member 11. The spring 7 is screwed onto the bell tapered screw portion 4 and then the tapered screw portion 5 of the stalk 2 is screwed into the spring 7. The spring 7 is usually formed of metal, say stainless steel, although other

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materials may be used and is sized such that it has a diameter slightly smaller than that of the tapered screw portions 4, 5 such that it grippingly engages said tapered screw portions 4, 5 when screwed thereon.

5 If the ornament 10 is to be used outside, the point 13 of spike member 11 is forced into the ground E and the ornament 10 (i.e. the socket 8 of the stalk 2) is placed over the spigot 12.

10 The use of the spike member 11 is advantageous because some of the larger prior art stalks 102 were up to eighteen inches long and were quite unwieldy and/or difficult to insert into earth. Also, the point 13 of the spike member 11 can be made more 'pointed' than is possible with pottery spikes 103.

15 If the ornament 10 is to be located inside, the lower end 2b of the stalk is flared outwardly to be of sufficient size so that the ornament 10 can balance and stand upright on a flat surface.

20 Whilst a spring 7 is preferred, it may be replaced with a plastics or rubber tube or sleeve which fits over tapered portions on the bell 1 and stalk 2. Other resilient means may also be used. The spring 7 allows free movement of the bell 1 with respect to the stalk 2, providing a 'natural-look' swaying action of the bell 1 on the stalk 2. It will be appreciated that a spring 7 will allow the bell 1 to move vertically as well as pivotally in an arc about the axis of the spring 7. Thus the degrees of freedom of movement of the bell 7 are greatly improved over prior art ornaments 100.

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If the bells 1 of adjacent ornaments 10 collide they chime. The ornament may be used with prior art ornaments 100 to provide a display.

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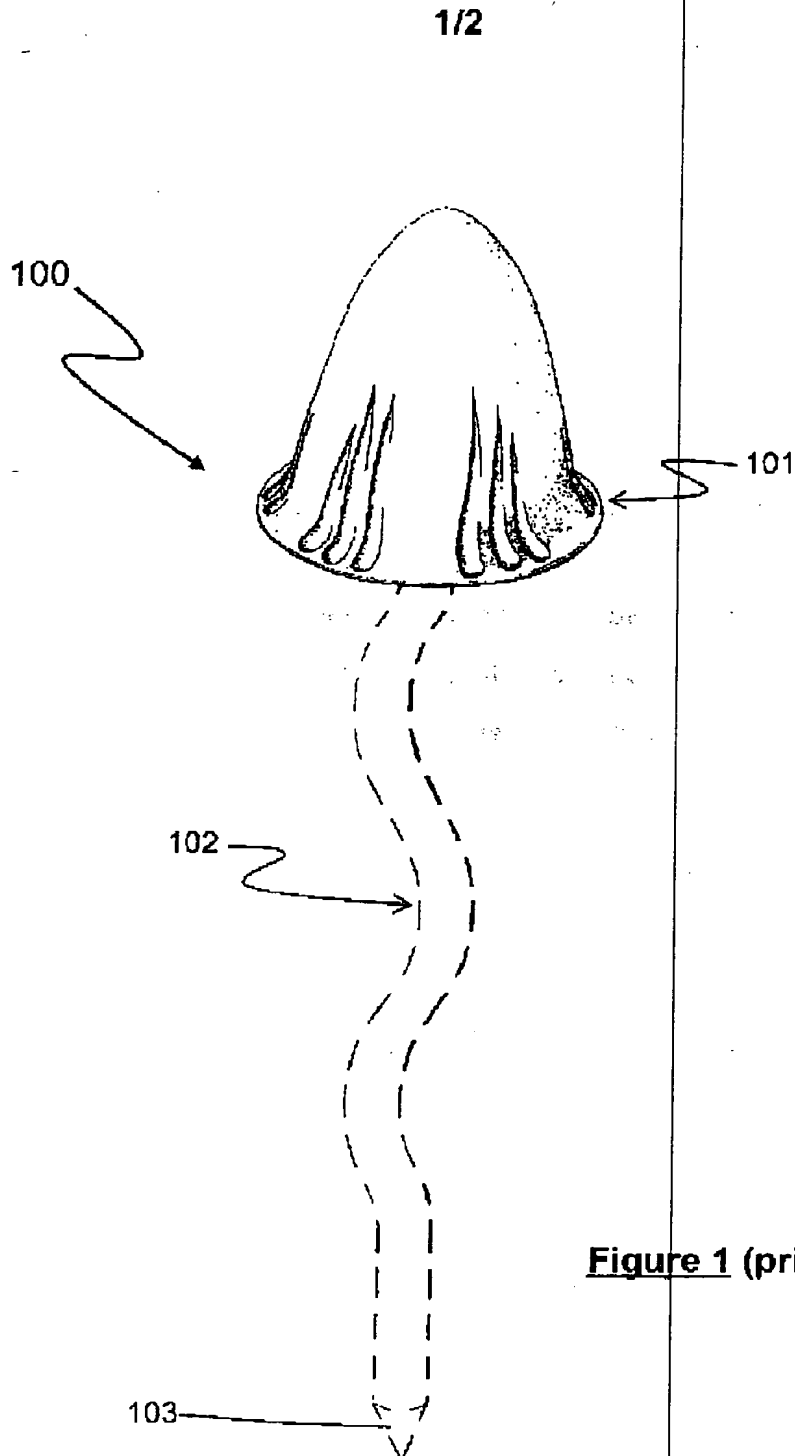


Figure 1 (prior art)

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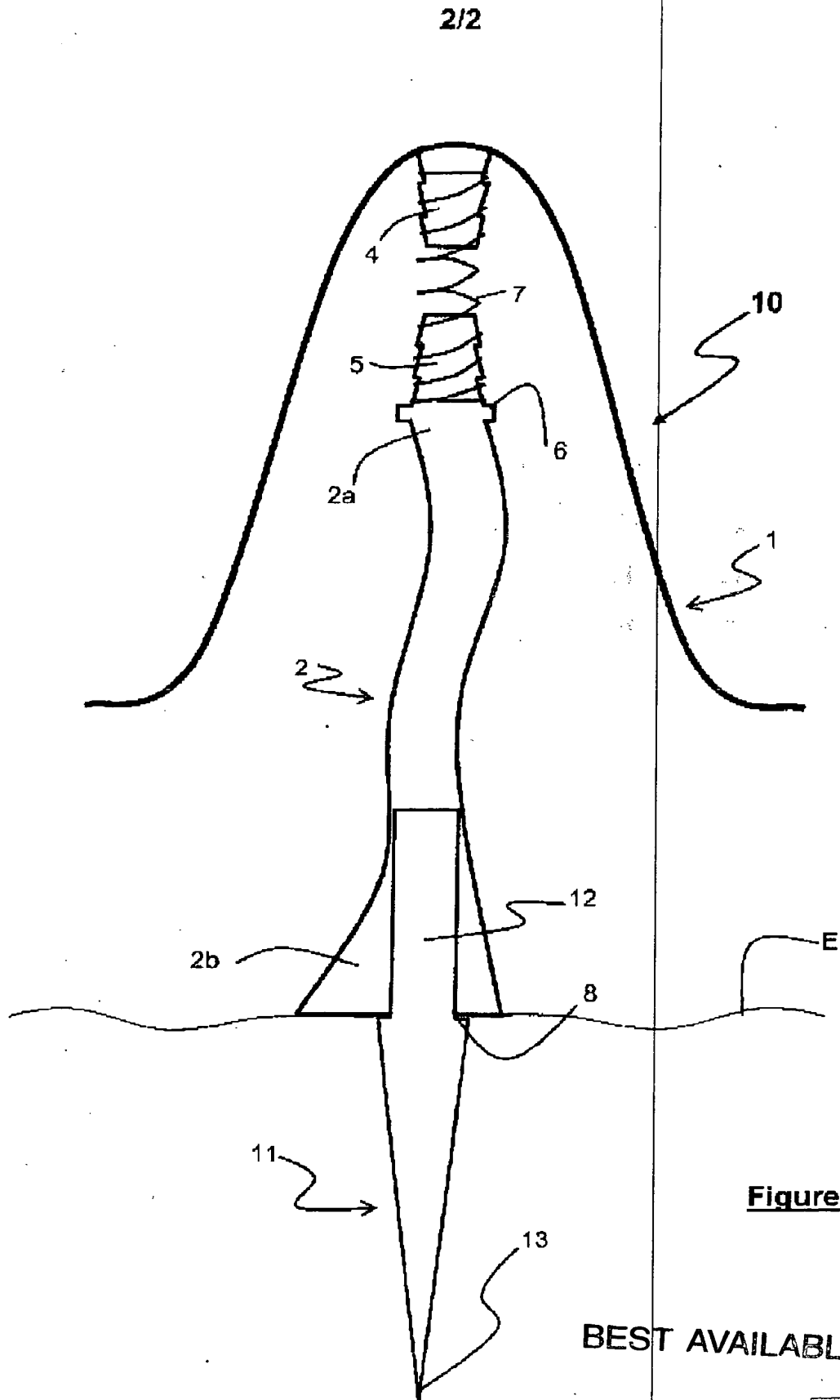


Figure 2

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